



THE UNIVERSITY OF ABERDEEN
BOND SOLO

Expert Witness Certificate
Guidance Notes for Candidates

CONTENTS

WELCOME	3
OVERVIEW OF UNITS	
Unit One - Excellence in Report Writing	5
Unit Two - Courtroom Skills	8
Unit Three – Cross-Examination Day	9
Unit Four - Law and Procedure	11
RETAKE ASSESSMENTS	12
FREQUENTLY ASKED QUESTIONS	14
SPECIAL CIRCUMSTANCES	15
The University of Aberdeen Bond Solon Expert Witness Certificate – Appeals Procedure	17
Bond Solon Delegate Complaint Procedure	29
APPENDIX 1 – UNDERTAKING BY EXPERT WITNESS	25
APPENDIX 2 – CANDIDATE IDENTITY SHEET	26
APPENDIX 3 – SAMPLE CASE STUDY	29

WELCOME

Welcome to the University of Aberdeen Bond Solon Expert Witness Certificate.

Courts and lawyers need to know that professionals undertaking expert witness work can produce an expert witness report that complies with court rules and helps the court in the decision-making process; they can stand up to the rigors of cross-examination; and are familiar with the basic principles of law and procedure.

The University of Aberdeen Bond Solon Expert Witness Certificate provides a systematic way to reach the best practice standard. It ensures experts reach a high level of skills and knowledge that is tested independently.

These Guidance Notes will give you the information you will need to gain the maximum from your studies, please read them carefully.

In the Guidance Notes you will also find information about assessments and deadlines which are vital to your full participation in the course, so please make sure you have gone through the documents in full.

There are several checklists covering the pre-course preparation for each Unit as you move along with your preparation.

If you have any questions on the training or assessment, please speak in the first instance to Bond Solon on 020 7549 2549 or e-mail your questions to expertwitness@bondsolon.com



CONTINUING PROFESSIONAL DEVELOPMENT

You are expected to attend further training after obtaining your University of Aberdeen Bond Solon Expert Witness Certificate to ensure your knowledge and skills are current.

You must attend at least six hours of training approved by Bond Solon every two years following obtaining your University of Aberdeen Bond Solon Expert Witness Certificate to maintain the currency of your knowledge.

Continuing Professional development must also be completed in order to remain on the Bond Solon National Register.



UNIT ONE – EXCELLENCE IN REPORT WRITING

The one-day Excellence in Report Writing course provides expert witnesses with the key skills to produce court compliant reports. Experts will learn how to produce quickly and consistently reports that are both court compliant and will withstand cross-examination. In the afternoon you will critique and assess a report.

■ Pre-Course Material

If you have previously written an expert witness report, please refer to point one. If you have not written an expert witness report, please refer to point two.

1) If you have previously written an expert witness report:

Please bring a copy of a completed expert witness report with you on the day. The content must cover facts and issues that will enable you to demonstrate your skills within your own field of expertise.

Please do not use any material that will or may be used in future proceedings. The report must only be from a completed case. By completed, we mean a case that will not be the subject of any future litigation. You will be required to sign an undertaking to confirm this. For more information on this, please see Appendix 1.

This report should be presented as if you were taking it to court and include any photographs, plans etc that are referred to. Please obtain permission to use the report if it is not anonymous.

The session cannot deal with the facts or issues of any forthcoming case or similar to such a case. In order to ensure that there can be no question that you have been coached on the evidence in a real case, please do not discuss any forthcoming case with the Bond Solon lawyer who will lead your session.

2) If you have not previously written an expert witness report:

- a) You could borrow an expert witness report from a colleague.

Please do not use any material that will or may be used in future proceedings. The report must only be from a completed case. By completed, we mean a case that will not be the

subject of any future litigation. You will be required to sign an undertaking to confirm this. For more information on this, please see Appendix 1.

This report should be presented as if you were taking it to court and include any photographs, plans etc that are referred to. Please obtain permission to use the report if it is not anonymous.

The session cannot deal with the facts or issues of any forthcoming case or similar to such a case. In order to ensure that there can be no question that you have been coached on the evidence in a real case, please do not discuss any forthcoming case with the Bond Solon lawyer who will lead your session.

- b) If you have no access to an expert witness report, we will share the reports we have on the day

■ Submission Timeline:

Please upload a copy of your report in advance of the training day.

■ Assessment Process for Unit One

This Unit of the Certificate is assessed.

You are required to submit the completed report to the University of Aberdeen.

The criteria against which your report will be assessed are listed in the workbook that you will receive when you attend Unit One. However, in order to be awarded a pass any report must:

- demonstrate competence against the core assessment criteria ('Impression' (Layout and Language) and 'Content' (Structure, Information and Opinion)), which are set out in the Excellence in Report Writing course manual; and
- demonstrate compliance with the suggested good practice procedural rules of court as suggested during the teaching of this Unit.

If your report refers to exhibits, please submit them with the report. If any such exhibits are no longer available and providing, they are not crucial to the reader's understanding of the report, you may mark the exhibit sheet "No longer available". Otherwise, please choose another report for assessment purposes.

If you have any concerns about anonymity, you may use either initials or fictitious names for those involved.

Please note that the report that you submit must be an Expert Witness Report prepared for the courts in Scotland. If you have any questions concerning this, please contact Bond Solon's Expert Witness Group.

The University of Aberdeen will treat all reports submitted as strictly confidential.

■ Deadline

Please be aware you will have two years from the first pass mark received to send the report for marking.

You can submit your report to the University of Aberdeen at any point during or after completing the 4 training days.

■ How to Submit During COVID-19

You will be given a Candidate Identity sheet to attach to the report that you submit for assessment at Unit One (please see Appendix 2). Please complete this and include it at the front of the report prior to Online submission.

Please ensure that you complete the Expert's Declaration as part of the Candidate Identity Sheet; failure to do so will result in your report being returned unmarked and you will need to complete the declaration before The University of Aberdeen will assess the report. Failure to complete the declarations will clearly delay the assessment process.

UNIT TWO – COURTROOM SKILLS

The one-day Courtroom Skills Training course will provide expert witnesses with the core skills to effectively present opinion-based evidence in court under cross-examination. You will undergo a mock cross-examination in the afternoon based on a case study you will submit.

■ Pre-Course Material

In order to gain full benefit from the mock cross-examination, you will be required to send Bond Solon a short case study (1-2 pages), alongside details of your qualifications and experience or a CV, entitling you to give expert evidence. The case study must be based on a completed or hypothetical case within your area of expertise.

Alongside the pre-course material, you will also need to submit three questions the opposing counsel could ask.

The session cannot deal with the facts or issues of any forthcoming case or similar to such a case. You will be required to sign an undertaking to confirm this. Please see Appendix 1. In order to ensure that there can be no question that you have been coached on the evidence in a real case, please do not discuss any forthcoming case with the Bond Solon lawyer who will lead your session.

Please be advised you should be dressed as if you were giving evidence in court.

Please see Appendix 3 for a sample of a case study.

■ Submission Timeline:

Please send Bond Solon your case study four weeks prior to the training. The case study must be emailed to expertwitness@bondsolon.com

■ Assessment Process for Unit Two

Unit Two is not assessed

UNIT THREE – CROSS-EXAMINATION DAY

The one-day Cross-Examination Day course is a follow-on day to the Courtroom Skills Training, this course enables expert witnesses to refine and enhance their skills in presenting evidence in court.

The Cross- Examination will build on the skills acquired on the Excellence in Report Writing and Courtroom Skills day. You will take part in a cross-examination role play and will be given constructive feedback in the morning. In the afternoon you will be assessed, and no feedback will be provided.

■ Pre-Course Material

You will be required to email us a copy of a full report that you have written either from a completed case or a hypothetical report. This should be no more than 50 pages (single spaced) in length, including appendices. Please do not use a report that will or may be used in future proceedings. This report should be presented as if you were taking it to court and include any photographs, plans etc that are referred to.

This report will have to follow the sample report model received on the Excellence in Report Writing day.

Please list the essence of your opinion, the issues and facts and at least three questions the opposing counsel could ask in cross-examination. Please bring one copy of the report with you on the day.

Please be advised you should be dressed as if you were giving evidence in court.

The session cannot deal with the facts or issues of any forthcoming case or similar to such a case. You will be required to sign an undertaking to confirm this. Please see Appendix 1. In order to ensure that there can be no question that you have been coached on the evidence in a real case, please do not discuss any forthcoming case with the Bond Solon lawyer who will lead your session.

■ Submission Timeline:

The report needs to be submitted to Bond Solon via email expertwitness@bondsolon.com four weeks before the training is due to take place.

■ Assessment Process for Unit Three

This Unit of the Certificate is assessed.

The assessment will be by review of your performance under cross-examination, audio-visually recorded during Unit Three. You will be assessed in accordance with the criteria given to you during the Courtroom Skills (Unit Two) training. Bond Solon will send a copy of the report used as the basis of the evidence to the University of Aberdeen with the recording.



UNIT FOUR – LAW AND PROCEDURE

The one-day Law and Procedure course provides experts with a comprehensive understanding of the relationship between the expert, the court and their instructing solicitors. The roles and responsibilities of experts are explored in the context of the relevant procedural rules. Experts will achieve a comprehensive understanding of the part they play in the court process, both in criminal prosecutions and civil litigation.

■ Pre-Course Material

You will receive the manual Law & Procedure and Law & Procedure Case Study and Materials ahead of your course. You are advised to familiarise yourself with the content of manuals before attending, but you are not required to study or memorise them.

You will need to bring these documents for this Unit to the training day.

■ Assessment

You will have an open book multiple choice examination. You may therefore refer to the notes you have made during the Unit Four training day and your course manuals.

The multiple-choice examination is conducted during the last hour of the Unit Four training day. On average, approximately half of the 15 questions will relate to law and procedure and half will relate to the role and duties of an expert witness. The completed paper will be electronically forwarded to The University of Aberdeen at the conclusion of the examination.

Prepare for the examination prior to attending Unit Four by familiarising with the course manual(s) if possible.

RETAKE ASSESSMENTS

If you are required to retake an assessment, you will need to pay a fee to the University of Aberdeen for the marking of that assessment.

You can retake the relevant training day to help you prepare to retake the Unit. You will then also need to pay a fee to Bond Solon for attending that training day.

■ Assessment One

Report writing

You will then need to resubmit a report to The University of Aberdeen with the re-submission fee of £30 payable by Online Payment.

■ Assessment Two

Cross-examination

You will need to attend the Cross-examination day (Unit Three) because the audio-visual recording of your cross-examination is made during the afternoon of the training day.

Please contact Bond Solon for details on the courses and fees.

Bond Solon will send the audio-visual recording of your cross-examination to The University of Aberdeen and you will need to pay a fee of £120 to mark your performance.

■ Assessment Three

Law and procedure

If you wish, you can re-attend the Law and Procedure training day. This will help you to revise for the Law and Procedure assessment which takes place at the end of the training day. Please contact Bond Solon for details on the courses and fees.

If you just wish to re-sit the assessment only, there is no fee payable to Bond Solon. However, you must contact Bond Solon to reserve your place at the examination at least two weeks before the day.

You will then need to pay a fee of £60 to The University of Aberdeen for the marking of the assessment



Frequently Asked Questions

What training do I have to do?

You will need to attend all four training Units as set out in these Guidance Notes. Your trainer for each day will complete an attendance register.

Do I have to take the Units in a particular order?

Unit One (Excellence in Report Writing) must precede Unit Three (Cross-Examination), and Unit Two (Courtroom Skills) must precede Unit Three (Cross-Examination).

How long do I have to complete the training and examinations?

All four training days must be completed within two years of your first achieved pass in any assessment element. The period may be extended in exceptional circumstances at the entire discretion of Bond Solon. Please refer to the “Extenuating Circumstances Procedure” document on page 16.

What happens if I fail any of the three parts of the assessment?

You will have the opportunity to resubmit work subject to the payment of an additional fee. In addition, Bond Solon has an appeal process. Please refer to the “Appeals Procedure” document on page 18.

How will I know if I have passed?

All individual assessments results are sent to you directly by The University of Aberdeen. The University of Aberdeen will mark and review the three parts of your assessment as they received them. If you have failed a module, please refer to page 13 to review how to retake a unit.

Upon successfully passing all assessed units, The University of Aberdeen will post your Expert Witness Certificate to you. Alternatively, Bond Solon invites you to attend our Awards Ceremony at the end of the Bond Solon Expert Witness Conference to receive your certificate in person.

A record of your successful pass will also be kept at The University of Aberdeen.

Special Circumstances

If you have a disability which may affect your learning, or you have other support needs, you are strongly advised to contact Bond Solon prior to attending your first training session. Bond Solon aims to respond to individual needs as best we can and contacting us at an early stage will enable any necessary reasonable adjustments to be put in place.

Similarly, should you require any adjustments in relation to the Expert Witness Certificate assessments, it is again essential to notify Bond Solon well in advance of the date of your first assessment so that any additional support necessary can be finalised. Please note that Bond Solon will require evidence to be provided to support any application for alternative provision in relation to assessments.

Should you be unsuccessful in any of your assessments it is not usually possible to pursue an appeal based on a disability or other special circumstance which was known by you at the time of the assessment and about which you failed to notify Bond Solon.

The University of Aberdeen Bond Solon Expert Witness Certificate – Extenuating Circumstances Procedure

1. Request for Extenuating Circumstances to be taken into consideration:

- 1.1** To be awarded the Expert Witness Certificate, candidates must demonstrate competence in each of the assessment elements (law and procedure examination, report writing and cross-examination), within two years of the date of the first pass mark achieved.
- 1.2** A candidate who believes that his/her ability to complete all of the assessment elements within the requisite two-year period was affected by extenuating circumstances (such as illness), may ask the Extenuating Circumstances Board to take the extenuating circumstances into consideration. The Extenuating Circumstances Board comprises the Director of Assessments at Bond Solon; the Head of Expert Witness Group, Bond Solon; and a trainer on the Expert Witness Certificate programme.
- 1.3** Any extenuating circumstances application must be submitted in writing using the Expert Witness Certificate Extenuating Circumstances Application Form. (The Application Form is available from Bond Solon.) Any relevant documentary evidence (such as medical evidence) must be appended to the application, and each application will be determined on its merits. The application should be submitted within two years of the date of the first pass

mark achieved at the time when the candidate becomes aware of the circumstances affecting their ability to complete the assessment(s) within two years of the date of the first pass mark achieved.

- 1.4** Any extenuating circumstances application must be submitted to:
expertwitness@bondsolon.com

2. Extenuating Circumstances Procedure:

- 2.1** Any extenuating circumstances application submitted in accordance with section 1 above will be considered at the first meeting of the Extenuating Circumstances Board following receipt of the application. This meeting will not be more than 28 days after receipt of the application.
- 2.2** The Extenuating Circumstances Board will consider the application, together with any other evidence which it considers relevant.
- 2.3** In respect of every application submitted in accordance with section 1 above, the Extenuating Circumstances Board shall take either of the following decisions:
- (a)** to allow the application and grant the applicant an extension of time for completion of the assessment(s), in which case the time for completion of the assessment(s) shall be specified;
 - (b)** to refuse the application, in which case the candidate will be advised regarding the elements of the assessment(s) which must be repeated in order to complete the assessment(s) and the timescales for completion.

Candidates should note that it is not possible for the Extenuating Circumstances Board to substitute an award of competence in place of a failed assessment, even where an application for extenuating circumstances is upheld.

- 2.4** In the absence of a unanimous verdict by the Extenuating Circumstances Board the decision of the majority shall prevail. The Chair of the Extenuating Circumstances Board shall be entitled to vote but shall not have a casting vote.
- 2.5** The Chair (or their nominee) shall inform the applicant of the Extenuating Circumstances Board's decision as soon as possible after the meeting.

The University of Aberdeen Bond Solon Expert Witness Certificate

Appeals Procedure

1. Request for Appeal:

- 1.1 Any candidate who wishes to appeal to the Appeals Board against a decision of the University's Expert Witness Certificate Test Board ('Test Board') must submit their appeal within 28 days of the date of the letter informing them of the result appealed against.
- 1.2 Any appeal must be in writing and must clearly state the grounds of appeal. Any relevant documentary evidence must be appended to the appeal.
- 1.3 The appeal must be addressed to the Chair of the Appeals Board and submitted to: expertwitness@bondsolon.com
- 1.4 The Appeals Board comprises the Director of Assessments at Bond Solon; the Head of Expert Witness Group, Bond Solon; and a trainer on the Expert Witness Certificate programme.

2. Grounds for Appeal:

- 2.1 The Appeals Board will only consider appeals which are based on *evidence of prejudice or of bias or of inadequate assessment* on the part of one or more of the assessors.

Appeals which question the academic judgement of the assessors shall not be admissible.

3. Appeal Procedure:

- 3.1 Any request for appeal submitted in accordance with section 1 above will be considered at the first meeting of the Appeals Board following receipt of the appeal. This meeting will not be more than 28 days after receipt of the appeal.
- 3.2 The Appeals Board shall consider the appellant's submission, together with any other evidence which it considers relevant. This shall include a report supplied by the Chair of the University's Test Board.

3.3 In respect of every appeal submitted in accordance with section 1 above, the Appeals Board shall take either of the following decisions:

- (a) to disallow the appeal and take no further action;
- (b) to uphold the appeal and determine what action should be taken regarding the appellant.

3.4 In the absence of a unanimous verdict by the Appeals Board the decision of the majority shall prevail. The Chair shall be entitled to vote but shall not have a casting vote.

3.5 The Chair (or their nominee) shall inform the appellant of the decision in respect of the appeal as soon as possible after the meeting.

Bond Solon Delegate Complaint Procedure

BOND SOLON DELEGATE COMPLAINT PROCEDURE

Contents by Section:

1. **Introduction:** information about who can make a complaint under the Procedure and what types of issues can and cannot be raised. Delegates have the right to complain. A Delegate who complains will suffer no detriment as a consequent of doing so.
2. **Early Resolution Stage:** information about Early Resolution and the action required by delegates and Bond Solon. In the first instance every effort should be made to raise and resolve complaints early and locally.
3. **Formal Stage:** information about the Formal Stage and the action required by delegates and Bond Solon. Bond Solon is committed to undertaking a full and fair investigation of serious or complex complaints.
4. **Review Stage:** information about the Review Stage and the action required by delegates and Bond Solon. A delegate can request the Formal Complaint Decision to be reviewed to ensure that the decision is fair and reasonable in the light of the evidence available.
5. **Confidentiality and Anonymity:** information about the process followed by Bond Solon in order to manage complaints in a confidential and sensitive way. All complaints will be managed in a confidential and sensitive way. Information gathered as part of this Procedure will only be shared with other parties on a 'need to know' basis.
6. **Complaint Details and Supporting Evidence:** the procedure and guidance for delegates on the formulation of complaints and supporting evidence. The proper investigation of complaints requires complaint issues to be set out in detail and supported by the submission of evidence.

1. INTRODUCTION

Delegates have the right to complain. A delegate who complains will suffer no detriment as a consequence of doing so.

1.1 WHO CAN MAKE A COMPLAINT?

Delegates are eligible to use this Procedure if they are registered on a training session provided by Bond Solon Training Limited (Bond Solon). You should raise a complaint within 7 calendar days of the issue arising by completion of the appropriate form and submitting it by email to expertwitness@bondsolon.com

1.2 WHAT TYPES OF ISSUES CAN DELEGATES RAISE UNDER THIS PROCEDURE?

Delegates can use this Procedure if their complaint relates to the provision of any of the following:

1. Training by Bond Solon;
2. Assessment related to training delivered by Bond Solon;
3. Room and venue facilities related to 1.2.1 or 1.2.2 above;
4. Administrative or support services related to 1.2.1 or 1.2.2 above.

1.3 WHEN IS THIS PROCEDURE NOT APPLICABLE?

This Procedure should not be used to make a complaint about the following:

1. Academic Judgement - that is the decision made by academic staff on the quality of academic work or the criteria being applied to mark work (rather than the administrative marking process). Academic Judgement cannot be challenged under any procedure;
2. An appeal against marking and results on the Best Interest Assessor (BIA) course which is accredited by Teesside University. This should be pursued in accordance with the University's procedures;
3. An appeal against a decision of The University of Aberdeen Bond Solon (UABS) Expert Witness Certificate Test Board; against marking and results on the Advanced Professional Certificate in Investigative Practice (APCIP); against marking and results on the Complaints Handling and Investigations Award (CHIA); against marking and results on any other assessed course provided by or through Bond Solon, all of which should be pursued in accordance with the scheme's 'Appeals Procedure';
4. An extenuating circumstances application to extend time for completion of the UABS Expert Witness Certificate, or for completion on any other assessed course provided by or through Bond Solon which should be pursued in accordance with the scheme's 'Extenuating Circumstances Procedure';

2. EARLY RESOLUTION STAGE

In the first instance every effort should be made to raise and resolve complaints early.

- 2.1** Complaints must be submitted by completion of the Early Resolution Complaint Form which is available from expertwitness@bondsolon.com and submitted with relevant evidence to the same address. This action should take place normally within 7 calendar days of the problem arising. Bond Solon expects that the complaint will normally be resolved and a written outcome by email issued within 14 calendar days of receipt of the Early Resolution Complaint Form.
- 2.2** On receipt of the Early Resolution Complaint Form, if it is considered that the complaint is likely to take longer than 14 calendar days to resolve due to the complexity or seriousness of the issue, then the complaint can be referred for consideration under the Formal Stage and the student will be informed accordingly.
- 2.3** If complainants are dissatisfied with the outcome of the Early Resolution Stage they may escalate the complaint to the Formal Stage of the Procedure; this should normally be done within 14 calendar days of the date of the Early Resolution Stage written outcome.

3. FORMAL STAGE

Bond Solon is committed to undertaking a full and fair investigation of serious or complex complaints.

3.1 SUBMITTING A FORMAL COMPLAINT

Delegates may submit a Formal Stage complaint under the following circumstances and timescales:

- (i) they are dissatisfied with the Early Resolution Stage, normally within 14 calendar days of receiving the Early Resolution written outcome; or
- (ii) complaints of a serious nature, as soon as possible but normally within 28 calendar days of the problem arising.

Formal Complaints must be submitted by completion of the Formal Stage Complaint Form which is available from expertwitness@bondsolon.com and submitted by email to the same address.

3.2 THE INVESTIGATION

The Investigating Officer will gather and consider any relevant evidence to produce a factual and objective written investigation report, including any information considered at the Early Resolution Stage. During the investigation, the Investigating Officer may ask to meet with or speak to the delegate, any person implicated in the

complaint and any other relevant parties. The report will outline the process followed, evidence gathered, conclusions drawn and any remedy.

The Formal Complaint Investigation Report and any recommendations will be referred to the appropriate Senior member of Bond Solon staff for consideration/approval.

3.3 OUTCOME

Delegates can expect to receive the Formal Complaint Decision normally within 32 calendar days of the complaint being allocated to the Investigating Officer. The delegate will also receive copies of the information considered by the Investigating Officer and will be provided with a clear explanation of the reasons for each decision.

3.4 DELEGATE CONFIRMATION

If satisfied with the Formal Complaint Decision, the delegate is required to confirm this in writing to the Senior Officer normally within 10 calendar days of the date of the Formal Complaint Decision. This is to be done by email.

Where appropriate the Senior Officer will arrange for any agreed remedy to be implemented. The complaint will then be closed.

If the delegate is dissatisfied with the Formal Complaint Decision, a review can be requested within 10 calendar days of the date of the Formal Complaint Decision.

4. REVIEW STAGE

A delegate can request the Formal Complaint Decision to be reviewed to ensure that the decision is fair and reasonable in the light of the evidence available.

4.1 WHEN CAN DELEGATES SUBMIT A REVIEW REQUEST?

If delegates remain dissatisfied with the Formal Complaint Decision, they can request a review of the decision by a Reviewer. This request is to be made in writing and submitted by email to expertwitness@bondsolon.com

A complaint must have been completed under the Formal Stage before it can be escalated to the Review Stage. This stage will not normally include a reconsideration of the issues raised, or a further investigation. The grounds for a Review Stage request are:

1. the Procedures were not followed correctly at the Formal Stage;
2. the decision and/or remedy were unreasonable;
3. there is new material evidence which the delegate was unable, for valid reasons, to provide at the Formal Stage.

The Reviewer will not have had any previous involvement in the complaint and will be sufficiently senior to the officer who has approved the Formal Complaint Decision.

4.2 OUTCOME

The Reviewer will consider the Review Request, including any information considered at earlier stages of the Procedure, on the basis of the grounds under which it has been submitted. Delegates can expect to receive the Reviewer's decision normally within 38 calendar days of the Review Request being received by Bond Solon. This is the final stage in this procedure.

5. CONFIDENTIALITY AND ANONYMITY

All complaints will be managed in a confidential and sensitive way. Information gathered as part of this Procedure will only be shared with other parties on a 'need to know' basis.

- 5.1 Persons who are the subject of a complaint will be informed of the complaint so that they are given the opportunity to respond.
- 5.2 At the Formal Stage the completed Formal Complaint documentation will normally be copied to the person(s) who is (are) the subject of the complaint unless the delegate can demonstrate that there is a good reason for not doing so.
- 5.3 Anonymous complaints will not normally be accepted.

6. COMPLAINT DETAILS AND SUPPORTING EVIDENCE

The proper investigation of complaints requires complaint issues to be set out in detail and supported by the submission of evidence.

- 6.1 Delegates are required to set out their complaint clearly and succinctly at all stages of the Procedure, providing evidence to substantiate the issues raised where possible, and stating the outcome they are seeking. The types of evidence that may be relevant include, but are not limited to:

1. Bond Solon documentation for example, relevant course or assessment materials;
2. Correspondence;
3. Independent medical evidence;
4. Witness statements;
5. Reports by Professionals.

Appendix 1

Undertaking by Expert Witness

I (Print name) confirm that:

.....

None of the material submitted by me to be used on
(insert date(s) of the courses during which the materials are to be used) bears any
similarity whatsoever to the facts or issues in any current or forthcoming proceedings in
which I may be required to give evidence.

I will retain the material and provide copies to Bond Solon, on request, immediately,

Signature

.....

Date

.....

Appendix 2

Candidate Identity Sheet -

Please see next page...

THE UNIVERSITY OF ABERDEEN BOND SOLON
EXPERT WITNESS CERTIFICATE
MODULE ONE – EXCELLENCE IN REPORT WRITING
CANDIDATE IDENTITY SHEET

CANDIDATE NO:

--

FULL NAME OF CANDIDATE:

Title:	Sex:
First name:	
Surname:	

PROFESSION:

--

ADDRESS:

--

TELEPHONE NUMBER:

--

E-MAIL:

--

Please complete the declaration set out on the following page. Your report will be returned to you if the declaration has not been completed.

EXPERT'S DECLARATION

I,(*insert full name*), declare that the matter on which this report has been prepared is:

- No longer current and I have obtained my client's permission to use the information about this matter for the purposes of this assessment;
or
- No longer current and I have anonymised the details of this report so that no person or organisation involved can be identified; or
- No longer current and the contents are in the public domain as the report has been referred to in open court or was contained in the court bundle for such a hearing.

(Please tick the appropriate box.)

I further declare that this report has been prepared in respect of:

- Civil proceedings
- Criminal proceedings

(Please tick the appropriate box. Tick one box only.)

REPORTS SUBMITTED FOR ASSESSMENT MUST BE PREPARED FOR COURT PROCEEDINGS IN SCOTLAND, AND MUST COMPLY WITH THE CURRENT VERSION OF THE RULES OF COURT. FAILURE TO DEMONSTRATE COMPLIANCE WITH THE RULES OF COURT WILL RESULT IN FAILURE OF THE REPORT WRITING ASSESSMENT.

.....
Signed

.....
Dated

Appendix 3

Courtroom Skills Sample Case Study

Prepared by Robin Hernandez of Flashpoint Associates, for use on XX/XX/2021, to give expert evidence for the pursuer.

Not based on a real case.

The Characters

Mr Ted Woodhouse	The pursuer and homeowner of The Vicarage
Mr John Carpenter	The defender, a contractor specialising in bespoke wooden furniture
Mr Lex Taylor	General contractor working on kitchen renovations
Robin Hernandez	Expert fire investigator engaged by loss adjusters for the pursuer to produce an expert report on behalf of Mr Woodhouse

The basic facts

Mr Woodhouse is the owner of The Vicarage, a large property undergoing substantial renovation works. On the 16th of July, Mr Carpenter was scheduled to re-finish the floors and Mr Taylor was scheduled to install the kitchen cabinetry and associated under-cabinet lighting. No other workers were present at the property.

Mr Carpenter is a hobbyist woodworker who just started a small business building bespoke wooden cabinetry and furniture items. He arrived at The Vicarage at 07:10 and applied a large quantity of oil to the living and dining room floors using a pile of cotton rags. He completed the first coat by 08:40 and piled the used rags in a lidless metal bucket in one corner of the living room. He then left the site, having already agreed with Mr Woodhouse to return later that afternoon to apply the second coat of oil.

Mr Taylor, a kitchen fitter and certified electrician, arrived at The Vicarage shortly after 08:15. He fitted the kitchen cabinets and had just begun to install the under-cabinet lights when he left the premises for lunch (before 12:00).

At approximately 09:30 Mr Woodhouse arrived at the house to check on the works progress. Mr Carpenter was not present, although Mr Taylor was. Mr Woodhouse noticed the bucket of rags in the living room and emptied them on top of a pile of garden and building waste stacked outside the kitchen door. The kitchen was a new addition to the original property and was of timber frame construction. Mr Woodhouse returned the metal bucket to the living room and left by 10:00.

At 12:45 Mr Taylor arrived to find a well-developed fire at the back of the house. He immediately

called the fire service, who arrived and extinguished the fire. The timber frame kitchen extension on The Vicarage was severely damaged, with fire damage extending to the floor above too. The rest of the house was extensively smoke stained.

Mr Woodhouse is holding Mr Carpenter responsible for the damages, claiming that he should have been aware of the risks posed by self-heating oils and disposed of the rags properly. Mr Carpenter claims that he was following his usual practice of re-using the rags and the fire was caused by an electrical fault with the undercabinet lighting, installed by Mr Taylor.

Expert's opinion

This is a fairly typical example of a self-heating reaction leading to combustion. The fire was caused by an exothermic oxidation reaction that occurred on the oil-covered cotton rags which had been inadvertently disposed of in a pile of garden waste and building materials (fuel).

As a woodworker, Mr Carpenter would have known of the risk that wood colour oils would self-heat and therefore should have disposed of the rags properly in the first instance (e.g. by laying out flat to dry in a well-ventilated area or by covering with water and placing in a sealed container). Moreover, the hazards of self-heating and appropriate disposal methods were clearly listed on the wood colour oil container.

The essentials of the case

Given the extent of damage caused by the fire, it is impossible to pinpoint the location where the fire started. It could have begun either inside or outside the timber frame extension.

Electrical faults, as well as failure of electrical appliances, can be eliminated. Smoke staining on the electrical service panel showed that the main circuit breaker was switched to the 'OFF' position at the time of the fire. None of the wiring in the house would have been live when the fire started.

This is consistent with Mr Taylor's statement, who says he switched the electricity supply off when installing the under-cabinet lighting and did not turn it on again.

The metal bucket was retrieved from the living room, which was at the front of the house and was only smoke damaged. The bucket was empty and did not contain any cotton rags (or remains thereof), consistent with Mr Woodhouse's testimony.

Wood colour oils are prone to self-heating under certain conditions: excess oxygen, heat, and sufficient fuel. On the day in question, the ambient temperature reached an unusually high value of 34°C. This would increase the rate at which the oils would oxidise and self-heat/combust.

However, placing the rags in a metal bucket might have slowed the initial fire spread, since this would have limited the fire's access to fuel. The actions of Mr Woodhouse in emptying the bucket on to the garden waste may have contributed to accelerating the rate at which the fire developed.

Possible questions for cross-examination

1. Why, in your opinion, had Mr Carpenter never encountered this issue before?
2. In your opinion would the fire and subsequent damage have been contained if the rags had been left in the metal bucket in the living room?
3. Could Mr Carpenter have been negligent in not using another product to colour and protect the wood floor, one that would not be prone to self-heating?

Note – The delegate’s CV should be attached to the case study provided